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FISCAL IMPACT STATEMENT

LS 6400

BILL NUMBER: SB 139

NOTE PREPARED: Feb 10, 2009

BILL AMENDED: Feb 3, 2009

SUBJECT: Various Election Matters.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR: Rep. Battles

BILL STATUS: As Passed Senate

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State and Local

Summary of Legislation: The bill makes the following changes to the election law:

Conference Reimbursement- The bill restates county reimbursement procedures for attending the annual election administrators' conference.

Contents of Reports- The bill specifies the contents of statewide voter registration system reports.

Voter Registration List Maintenance- The bill specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system.

Return of Declaration of Candidacy Petitions- The bill permits a county voter registration office to return to a candidate for President of the United States, United States senator, or Governor, after the petition is certified, an original petition that accompanies a declaration of candidacy.

Matching Candidate and Ballot Questions/Device Certification Dates- The bill changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates.

Dissolving Candidate Committees- The bill permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts.

Registration Records Update- The bill requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest.

Overseas Voters' Ballots- The bill allows an overseas voter to transmit an absentee ballot application by electronic mail.

Precinct Boundaries- The bill revises precinct boundary change procedures.

Voting System Technical Oversight Program Account- The bill provides that the Voting System Technical Oversight Program Account (VSTOPA) is nonreverting.

Vote Center Pilot County- The bill provides that voters who reside within the area of a municipality located in a vote center pilot county may vote using vote center pilot county procedures.

Candidate Ballot Vacancies- The bill amends provisions concerning candidate ballot vacancy procedures.

Repealers- The bill repeals obsolete references concerning voting instructions, paper ballots, and special polling places.

Effective Date: (Amended) July 1, 2009.

Explanation of State Expenditures: *Matching Candidate and Ballot Questions/Device Certification Dates-* The bill would place the certification of public questions and devices on the same date as the certification of nominees and ballot placement. Under current law, the deadline for Secretary of State certification of independent or minor political party candidates, public questions, and providing counties with political party devices is noon, August 20. The bill would place this deadline at 74 days before the general election. Therefore, the proposed deadline for the 2008 general election would have been approximately noon on Friday, August 22, 2008.

Explanation of State Revenues: (Revised) *Dissolving Candidate Committees-* This provision could increase collection of outstanding civil penalties assessed on candidate committees. Under current law, in order to be administratively dissolved, the Election Commission must determine that further effort to collect outstanding civil penalties from a committee is not a prudent use of state resources. This provision would give the Election Commission the option to waive penalties *after* a committee has been administratively dissolved. Therefore, committees could be dissolved while remaining liable for any civil penalties assessed. As of December 19, 2007, there were approximately 43 committees with \$24,000 in unpaid civil penalties that had been turned over to the Attorney General (AG) by the Election Division (ED). The ED reports that no further committees have been turned over to the AG since December 2007. Civil penalties collected from candidate committees are deposited into the Campaign Finance Enforcement Account.

Voting System Technical Oversight Program Account- The Secretary of State would be able to use revenue from the Program Account to investigate alleged violations of election law. Additionally, the account would receive revenues from certification fees for voting systems (currently \$1,500 per certification) and contributions from a settlement agreement executed with a voting system vendor. The bill would make the VSTOPA nonreverting to the General Fund. Under current law, only civil penalties from voting system violations are deposited into the VSTOPA. As of June 30, 2007, \$245,000 in revenue had been deposited in the VSTOPA. No further revenues have been deposited into VSTOPA since June 30, 2007.

Explanation of Local Expenditures: *Conference Reimbursement*- All expenses allowed for newly elected or appointed clerks or county election board office holders to attend the Election Division instructional conference would be paid from the county general fund. Under current law, only the registration fee is to be paid from the county general fund. The other allowances under current law are a \$24 per diem, mileage, and lodging equal to state rates.

Vote Center Pilot County- The provision could minimally reduce the cost of municipal elections in the Town of Otterbein, which is in both Benton and Tippecanoe Counties. Benton County has election jurisdiction for the town. Otterbein had a population of about 1,300 persons in 2000. The town has not held a municipal election since 1995, which was conducted by Benton County.

Explanation of Local Revenues: *Dissolving Candidate Committees*- This provision could increase the collection of outstanding civil penalties assessed on candidate committees. Under current law, in order to be administratively dissolved, county election boards must determine that further efforts to collect outstanding civil penalties from a committee are not a prudent use of local resources. The bill would allow boards the option to waive penalties *after* a committee has been administratively dissolved. Therefore, committees could be dissolved while remaining liable for any penalties assessed.

State Agencies Affected: Secretary of State, Election Division, Department of Correction; Treasurer of State.

Local Agencies Affected: County Election Boards; Circuit Court Clerk.

Information Sources: State Budget Agency, Auditor's Data; Election Division; Benton County Clerk's Office, 765-884-0930.

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